

**Nursing and Midwifery Council
Fitness to Practise Committee**

**Substantive Order Review Meeting
Tuesday, 26 November 2024**

Virtual Meeting

Name of Registrant: Catherine Helena Healy

NMC PIN 72C0698E

Part(s) of the register: Nurses part of the register Sub part 1
RN1: Adult nurse, level 1 (02 September 2000)
Nurses part of the register Sub part 2
RN2: Adult nurse, level 2 (02 March 1972)

Relevant Location: Barnet

Type of case: Misconduct/Lack of competence

Panel members: Shaun Donnellan (Chair, Lay member)
Melanie Lumbers (Registrant member)
Rachel Barber (Lay member)

Legal Assessor: Graeme Henderson

Hearings Coordinator: Eleanor Wills

Order being reviewed: Conditions of practice order (18 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry in accordance with Article 30 (1), namely 11 January 2025**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Ms Healy's registered email address by secure email and to her registered address by recorded delivery on 21 October 2024.

Further, the panel noted that the Notice of Meeting was also sent to Ms Healy's representative at the Royal College of Nursing (RCN) on 21 October 2024

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 25 November 2024 and inviting Ms Healy to provide any written evidence seven days before this date.

The panel took into account that Ms Healy's representative from the RCN provided written submissions on Ms Healy's behalf to the Nursing and Midwifery Council (NMC) dated 15 November 2024.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Healy has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

Decision and reasons on review of the current order

The panel decided to allow the order to lapse upon expiry. This order will come into effect at the end of 11 January 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the eighth review of a substantive conditions of practice order originally imposed as a suspension order for a period of 9 months by a Conduct and Competence Committee panel on 8 March 2016.

The current order is due to expire at the end of 11 January 2025.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

‘That you, whilst working as a Nurse for BUPA:

1. On 17 January 2013 in relation to Patient C:

1.1 Attempted to administer the wrong amount of medication;

1.2 Did not ensure anti-seizure medication was administered at the correct time;

2. On 8 February 2013 in relation to Patient B, suctioned the patient’s tracheostomy tube incorrectly, in that you did not remove the inner tube before suctioning.

3. On 9 June 2013 in relation to Patient G, gave a suppository a day earlier than it was supposed to be administered;

4. On or around 28 September 2013 in relation to Patient D, did not administer controlled medication at the prescribed time and/or at all.

5. Failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a registered nurse in that:

5.1 You failed to pass a care plan assessment between 9 and 11 December 2013 as set out in one or more of the reasons contained in schedule 1;

5.2 You failed to pass a medication administration assessment on 16 December 2013 as set out in one or more of the reasons contained in schedule 2;'

The seventh reviewing panel determined the following with regard to impairment:

'The panel considered whether Ms Healy's fitness to practise remains impaired.

The panel noted the decision and reasons of the previous reviewing panel in regard to impairment. It took into account that Ms Healy through her representative at the RCN has informed the NMC that she accepts that [PRIVATE]. The panel was of the view that there is no evidence before it to suggest that the original regulatory concerns have not been resolved, given that Ms Healy is unable to demonstrate that she has taken the necessary steps to remediate and strengthen her practice [PRIVATE], and a risk of repetition therefore remains. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel considered that it has no information before it that Ms Healy has remediated the regulatory concerns and the risk of harm has reduced. The panel therefore determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Ms Healy's fitness to practise remains impaired.'

The seventh reviewing panel determined the following with regard to sanction:

'The panel next considered whether imposing a further conditions of practice order on Ms Healy's registration would still be a sufficient and

appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that Ms Healy has been unable to comply with conditions of practice [PRIVATE] but is continuing to engage with the NMC via her representative at the RCN.

The panel was of the view that a further conditions of practice order is sufficient to protect patients, the wider public interest and uphold professional standards. In this case, there are conditions could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Ms Healy's case because [PRIVATE] she has been unable to comply with conditions of practice and address the regulatory concerns.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 18 months, which would provide Ms Healy with the opportunity to secure a place on a Return to Practice Course, should she decide to do so, or alternatively to consider her options in regard to her nursing career. This condition of practice order will come into effect on the expiry of the current order, namely at the end of 11 July 2023. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.'

1. *You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.*

2. *a) You must within 14 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*

b) You must within 14 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.

3. *At any time that you are employed or otherwise providing nursing services, you must place yourself and remain under the supervision of a workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of working at all times under the indirect supervision of a registered nurse of at least 12 months post qualification experience. "Indirect supervision" means "working at all times on the same shift as, but not necessarily under the direct observation of a registered nurse who is physically present in or on the same ward, unit, floor or home that you are working in or on". During this supervision period you will formulate a Personal Development Plan specifically designed to address the deficiencies in the following areas of your practice:*
 - a. Medication management*
 - b. Documentation*
 - c. Care planning*
 - d. Risk assessments*

This supervision period will continue until you have been signed off as safe to practise without supervision by your manager, mentor or supervisor.

4. During the supervision period, you must also meet with your line manager, mentor or supervisor (or their nominated deputy) at least every 4 weeks to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.

5. You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC in advance of any NMC review hearing or meeting.

6. You must immediately inform the following parties that that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (6) above, to them:

1. Any organisation or person employing, contracting with, or using you to undertake nursing work;

2. Any agency you are registered with or apply to be registered with (at the time of application);

3. Any prospective employer (at the time of application);

4. Any educational establishment at which you are undertaking a course of study connected with nursing, or any such establishment to which you apply to take such a course (at the time of application).

The period of this order is for 18 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 11 July 2023 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Ms Healy has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Ms Healy's continued engagement with the NMC*
- Evidence of Ms Healy's employment*
- Evidence of Ms Healy's commencement of a Return to Practice Course*
- etc...'*

Decision and reasons on current impairment

The panel has considered carefully whether Ms Healy's fitness to practise remains impaired. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle and the written responses from Ms Healy which included:

- Written submissions dated 15 November 2024
- [PRIVATE]

The panel heard and accepted the advice of the legal assessor.

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Ms Healy's fitness to practise remains impaired.

The panel took into account the written submissions provided by the RCN on Ms Healy's behalf dated 15 November 2024. The panel noted that *'Ms Healy accepts that her fitness to practice remains impaired, as she has not had the opportunity to return to nursing to remediate her practice [PRIVATE].'* [PRIVATE].

The panel took into account the decision and reasons of the previous reviewing panel in regard to impairment. The panel considered that the charges involved wide-ranging clinical concerns including failing to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a Registered Nurse, as well as failings in medication administration and management.

The panel noted that [PRIVATE] she has therefore not had the opportunity to strengthen her practice. The panel noted that as a result there is no evidence before it to suggest that Ms Healy has demonstrated strengthening of her practice in order to sufficiently address the areas of regulatory concern. The panel therefore determined, in the absence of any evidence of remediation and strengthening of practice there remains a risk of repetition and subsequently a risk of harm given the nature of the charges. Accordingly, the panel determined that a finding of continued impairment is necessary on the ground of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance.

The panel determined that a finding of continued impairment is also in the public interest given that the areas of regulatory concern have not been remediated. The

panel concluded that the public's trust and confidence in the profession would be undermined if Ms Healy was allowed to practice unrestricted given the nature of the charges. The panel determined a finding of impairment is required in order to uphold the proper standards of conduct expected of a Registered Nurse.

For these reasons, the panel finds that Ms Healy's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Healy fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel had regard to its previous findings on impairment in coming to this decision. It bore in mind that its primary purpose was to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator.

The panel had regard to the NMC Guidance on '*Removal from the register when there is a substantive order in place*', reference '*REV-3h*', last updated 30 August 2024

'2. Lapse with impairment

Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired.

A panel will allow a professional to lapse with impairment where:

- the professional would no longer be on the register but for the order in place,*
- the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*

- a striking off order isn't appropriate.

...

Public protected by finding of impairment

Before allowing a professional to leave the register by lifting a substantive order or allowing it to expire, the panel should make it clear whether they consider the professional's fitness to practise to be currently impaired.

This is because nurses, midwives or nursing associates, whose registration lapses or are removed from the register after a suspension or conditions of practice order expires or is lifted, can apply for readmission. In looking at any application in the future, and deciding whether the nurse, midwife or nursing associate is capable of safe and effective practice and meets the requirements for health and character, the Registrar (or one of our Assistant Registrars who also make decisions on behalf of the Registrar) would be able to take account of the panel's decision whether the nurse, midwife or nursing associate's fitness to practise was still impaired when they were removed from the register.'

The panel took into account the RCN written submissions dated 15 November 2024.

'In terms of Ms Healy's NMC registration, this lapsed on 31st March 2015. Her PIN is therefore being kept artificially active by virtue of these proceedings

...

In the circumstances, we respectfully invite the panel to find Ms Healy's fitness to practise impaired, but that the substantive order should be revoked. Ms Healy applies for this under article 30(2) and 30 (4)(e) of the Nursing and Midwifery Order.

...

...Ms Healy has not worked in healthcare throughout the duration of these proceedings.

...

[PRIVATE].’

The panel took into account that Ms Healy only remains on the register due to the current substantive order in place. The panel had regard to the length of time Ms Healy has been under a conditions of practice order. [PRIVATE]. The panel determined that it was unlikely that [PRIVATE] she would be returning to safe unrestricted practice in any reasonable period of time. The panel took into account the previous reviewing panels’ decision and reasons as to why a striking-off order was disproportionate. The panel determined that a striking-off order remains disproportionate given the nature of the charges, in that they are solely related to clinical concerns.

The panel was satisfied that a finding of impairment would adequately protect the public and sufficiently address the public interest concerns in this case. In reaching this decision the panel took into account that when the current order expires Ms Healy will *‘fall’* off the register and she will not be able to return to practice without undertaking a Return to Practice course and she will have to satisfy the Registrar that she [PRIVATE] is capable of safe and effective practice.

The panel therefore decided to allow the current substantive conditions of practice order to lapse upon expiry, namely 11 January 2025 in accordance with Article 30(1).

This will be confirmed to Ms Healy in writing.

That concludes this determination.